

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

PATTI'S PITAS, LLC, QUEEN CITY TOURS,  
MARK A. BABBITT, DDS, INC., IDEAL  
SALES, INC., LYTLE CAFÉ, and INDIAN TREE  
CHIROPRACTIC, P.C., individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

WELLS FARGO MERCHANT SERVICES, LLC,

Defendant.

CIVIL ACTION NO.

1:17-cv-04583 (AKT)

**DECLARATION OF JASON  
RABE OF RUST  
CONSULTING, INC.**

I, Jason Rabe, declare the following under penalty of perjury:

1. I am over the age of 21, am fully familiar with, and have personal knowledge of, the matters stated in this declaration, and they are true and correct. If called as a witness, I am competent to testify to these matters.

2. I am a Program Manager for Rust Consulting, Inc. ("Rust Consulting"), and, in that capacity, I am authorized to make this declaration on behalf of Rust Consulting and myself. I submit this declaration to inform the Court of the notification process and other administrative duties performed by Rust Consulting in connection with the administration of the class action settlement in the above-referenced case (the "Class Action Settlement").

3. Rust Consulting specializes in class action notification and claims administration, including telephone and web-based support, direct mail services, claims processing, and settlement fund distribution. Founded in 1976, Rust Consulting began its claims administration process in 1989 and has extensive experience in class action matters, having provided services in class actions ranging from 100 to 100 million class members, and notification and/or claims administration services in over 7,500 class action cases and remediation projects.

**Class Action Fairness Act Notice**

4. On January 22, 2021, Rust Consulting served notice of the proposed Settlement Agreement to each appropriate federal and state official (“CAFA Notice”). Rust Consulting included with the CAFA Notice certain court filings and documents, as required under 28 U.S.C. § 1715(b). A true and correct copy of the CAFA Notice is attached hereto as Exhibit A.

**Class Notice**

5. The Motion for Preliminary Approval was filed on January 12, 2021 and the Class Action Settlement was preliminarily approved (“Preliminary Approval Order”) by the Court on February 8, 2021.

6. One of the tasks assigned to Rust Consulting was to disseminate notice to Settlement Class Members by email or postcard. The Court approved two versions of the Notice, one for Current Customers of Wells Fargo Merchant Services, LLC (“WFMS”) who shall automatically receive a payment if the Class Action Settlement is approved and becomes final, and one for Former Customers of WFMS who must file a Claim Form to be eligible for a payment. The Court also approved a long form Notice, which was posted on the Settlement Website.

**Notice to Current Customers**

7. On March 10, 2021, Rust Consulting was provided with a data file from WFMS containing the names, last known addresses, and available email addresses of 85,756 Settlement Class Members who were Current Customers. The data also contained information for each record to be utilized for applying the Allocation Formula and calculating Settlement Class Member payments.

8. Rust utilized the United States Postal Service’s (“USPS”) National Change of Address (“NCOA”) service to update address information, ensure adequate address formatting, and to qualify for postal discounts. Since no action is required on their part, Current Customers with the same name and mailing address as another record, or same email address as another record, were only sent one Notice. As a result, 2,419 duplicate records were removed, resulting in 83,337 Current Customer records to whom the Notice was to be distributed.

9. Between April 5, 2021 and April 9, 2021, in accordance with the Preliminary Approval Order, the Notice was emailed to 77,676 Current Customers for whom an email address was available, and was sent by U.S. Mail to 2,444 Current Customers. 3,217 email addresses were identified as invalid where a Notice could not be sent. A true and correct copy of the Notice to Current Customers, including both emailed and mailed versions, is attached hereto as Exhibit B.

10. Current Customers with an invalid email address (3,217), or where the emailed Notice was returned back as undeliverable (3,952<sup>1</sup>), were sent a postcard Notice by First-Class Mail to the Settlement Class Member's address. A total of 7,169 postcards were mailed as a result on April 23, 2021.

11. Through May 5, 2021, the USPS had returned zero (0) postcard Notices from Current Customers as undeliverable without forwarding addresses and zero (0) postcard Notices from Current Customers with forwarding addresses.

12. Through May 5, 2021, an aggregate of 87,289 Notices have been emailed or mailed to Settlement Class Members identified as Current Customers, pursuant to the Preliminary Approval Order.

13. Through May 5, 2021, the current deliverable rate to Current Customers is 100%.

#### **Notice to Former Customers**

14. The data file provided to Rust on March 10, 2021 also contained the names, last known addresses, and available email addresses for 401,771 Settlement Class Members that are Former Customers. The data also contained information for each record needed to apply the Allocation Formula and calculate Settlement Class Member payments.

15. Rust also utilized the NCOA service to update the address information, ensure adequate address formatting, and qualify for postal discounts.

---

<sup>1</sup> Undeliverable count includes 27 records where an auto-response was received from an email indicating the recipient was no longer with the company or on leave and where responses were received to complete a separate registration process in order for the email to be delivered.

16. Between April 5, 2021 and April 9, 2021, in accordance with the Preliminary Approval Order, the Notice was emailed to 319,661 Former Customers for whom an email address was available, and was sent by U.S. Mail to 38,009 Former Customers. 44,101 email addresses were identified as invalid where a Notice could not be sent. A true and correct copy of the Notice to Former Customers, including both emailed and mailed versions, is attached hereto as Exhibit C.

17. Former Customers with an invalid email address (44,101), or where the emailed Notice was returned back as undeliverable (43,544<sup>2</sup>), were sent a postcard Notice by First-Class Mail to the Settlement Class Member's address. A total of 87,645 postcard Notices were mailed as a result on April 23, 2021.

18. Through May 5, 2021, the USPS had returned 18,633 postcard Notices from Former Customers as undeliverable without forwarding addresses. Of these, Rust Consulting was able to locate 2,331 new addresses, through an information supplier to which Rust Consulting subscribes. Rust Consulting is in the process of mailing a postcard Notice to the Settlement Class Members at the updated addresses.

19. Through May 5, 2021, the USPS had returned 246 postcard Notices from Former Customers with forwarding addresses. Rust is in the process of mailing a postcard Notice to the Settlement Class Members at the updated addresses.

20. Through May 5, 2021, an aggregate of 445,315 Notices have been emailed or mailed to Settlement Class Members identified as Former Customers, pursuant to the Preliminary Approval Order.

21. Through May 5, 2021, the current deliverable rate to Former Customers is 95.4%.

**Settlement Website, Toll-Free Informational Number, Email and Post Office Box**

22. Rust Consulting created and continues to maintain a website,

---

<sup>2</sup> Undeliverable count includes 127 records where an auto-response was received from an email indicating the recipient was no longer with the company or on leave and where responses were received to complete a separate registration process in order for the email to be delivered.

www.merchantservicessettlement.com, which has been operational since April 5, 2021. The website enables Settlement Class Members to review information about the Class Action Settlement, including the long form Notice and Claim Form, and download court documents from this action, including the Settlement Agreement and Release, the Second Amended Complaint, the Motion for Preliminary Approval, and the Preliminary Approval Order. The website also includes the ability for Former Customers to submit their Claim Form online through the deadline date of July 23, 2021. Through May 5, 2021, there have been approximately 48,683 unique visitors to the website.

23. Rust Consulting established a Toll-Free Informational Number (1-866-759-6521) to allow Settlement Class Members to call and listen to answers to frequently asked questions 24 hours a day, 7 days a week. The Toll-Free Informational Number provides the option to request a paper version of the Claim Form or long form Notice to be mailed to an address included on the caller's recorded voice message. The Toll-Free Informational Number has been operational since April 5, 2021. Through May 5, 2021, there have been approximately 1,530 calls to the Toll-Free Informational Number and 129 callers providing requests for materials to be sent.

24. Rust Consulting established an email address, [info@merchantservicessettlement.com](mailto:info@merchantservicessettlement.com), for Settlement Class Members to send questions to the Settlement Administrator. Through May 5, 2021, Rust Consulting has received approximately 460 emails.

25. Rust Consulting established a Post Office Box (P.O. Box 1367, Minneapolis, MN 55440-1367) for receipt of undeliverable mail, completed Claim Forms, exclusion requests, and other communications. Mail received at the Post Office Box is collected and processed daily. Through May 5, 2021, Rust Consulting has received 16,633 Claim Forms. Of the 16,633 Claim Forms received, 4,766 were received by mail and 11,867 were submitted online through the website. The Claim Form deadline is July 23, 2021.

#### **Requests for Exclusion and Objections**

26. Pursuant to the Preliminary Approval Order, requests from Settlement Class

Members to exclude themselves from the Settlement Class are required to be mailed to the Settlement Administrator, postmarked no later than June 8, 2021. Through May 5, 2021, Rust has received three (3) exclusions.

27. Pursuant to the Preliminary Approval Order, objections must be filed electronically with the Court or mailed to the Clerk of the Court, Class Counsel, and WFMS's counsel no later than June 8, 2021. Although objections are not to be sent to Rust Consulting, nevertheless, as part of its standard procedures, Rust Consulting personnel examine all mail received to search for, among other things, requests for exclusion and objections. Through May 5, 2021, Rust has received no objections.

28. Rust Consulting was retained to serve as the Settlement Administrator in exchange for payment of its fees and expenses. Rust Consulting's total estimated administrative costs is \$280,708 in connection with the administration of the Class Action Settlement. Through April 30, 2021, Rust Consulting has incurred approximately \$111,030 in administrative costs.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

Executed this 6<sup>th</sup> day of May, 2021, in Minneapolis, Minnesota

  
\_\_\_\_\_  
Jason Rabe

# EXHIBIT A

McGuireWoods LLP  
Tower Two-Sixty  
260 Forbes Avenue  
Suite 1800  
Pittsburgh, PA 15222  
Tel 412.667.6000  
Fax 412.667.6050  
www.mcguirewoods.com

McGUIREWOODS

January 22, 2021

**Class Action Fairness Act – Notice to Federal and State Officials**

**Re: *Patti's Pitas, LLC, et al. v. Wells Fargo Merchant Services, LLC, E.D.N.Y. Case No. 1:17-CV-04583.***

Dear Sir or Madam:

We represent Defendant Wells Fargo Merchant Services, LLC (“WFMS” or “Defendant”) in the above-captioned action (the “Patti’s Pitas Action”). Pursuant to 28 U.S.C. § 1715, this notice is to inform you of a proposed class action settlement of the Patti’s Pitas Action – a lawsuit currently pending in the United States District Court for the Eastern District of New York (Tomlinson, J.). The lawsuit asserts common law claims for breach of the duty of good faith and fair dealing, fraudulent inducement, and unjust enrichment based on allegations that WFMS charged its customers excessive and unauthorized fees for merchant payment processing services.

In accordance with 28 U.S.C. § 1715(b), settling Defendant WFMS states as follows:

- 1) The original complaint and amended complaints in the Patti’s Pitas Action, as well as all attachments thereto, are contained on the enclosed CD. In addition, the original complaint, amended complaints, and all other pleadings and records filed in the Patti’s Pitas Action are available on the Internet through the federal government’s Pacer service at <https://ecf.nyed.uscourts.gov/cgi-bin/ShowIndex.pl>. Additional information about the Pacer service may be found at <https://pcl.uscourts.gov>.
- 2) At this time, the Court has not ruled on preliminary approval of the parties’ proposed class action settlement (“Preliminary Approval Order”). The motion seeking preliminary approval, along with all of the attachments to it, is included on the enclosed CD. The hearing on the motion for preliminary approval has not yet been scheduled. At this time, the hearing for final approval of the settlement also has not been scheduled.
- 3) The proposed form of direct notices to class members, which provides notice of the proposed settlement and each class member’s right to request exclusion from the class action, is included on the enclosed CD.



January 19, 2021

Page 2

- 4) The parties' proposed class action settlement agreement dated as of January 12, 2021, including all exhibits ("Settlement Agreement"), is included on the enclosed CD. The proposed Preliminary Approval Order asks the Court to find that the proposed settlement "falls within the range of reasonableness" and is the product of "arms' length negotiations," and to preliminarily approve it as "fair, reasonable, and adequate."
- 5) There are no additional agreements between class counsel and counsel for Defendant WFMS, other than those reflected in the Settlement Agreement.
- 6) No final judgment or notice of dismissal has yet been entered in the Patti's Pitas Action.
- 7) The share of claims at issue in the Patti's Pitas Action as well as all of the benefits contemplated in the Settlement Agreement pertain to residents of all 50 states. At this juncture, it is not feasible to provide the name and state of residence for each class member covered by the proposed settlement. The Settlement Agreement contemplates that the Notice List would include all merchants who fall within the class definition through the date of the Preliminary Approval Order, which has not been entered yet. WFMS' best current estimate of the class size is approximately 504,000 merchants.

As set forth more fully in the Settlement Agreement, a settlement fund of up to \$40,000,000 will be available to make cash payments to class members. The total amount of the fund will depend on the number of claims made and verified by class members who are WFMS' former customers. The amount of the cash payments to class members will be determined according to the allocation formula attached to the Settlement Agreement. In addition to cash payments, current WFMS customers may switch their pricing plan penalty free to a "standard" pricing plan for up to at least eighteen (18) months after the effective date of the Settlement Agreement. Additionally, WFMS has agreed to modify its program guide as applicable to class members not on the "standard" pricing plan to state that early termination fees will be waived in the event a customer terminates their agreement within forty-five (45) days of an increase in a particular set of fees.

- 8) No written judicial opinions have been issued relating to the proposed settlement as of this date.

\*\*\*\*\*

January 19, 2021

Page 3

If you have questions about this notice, the settlement, or the enclosed materials, or if you do not receive any of the above-listed materials, please contact us.

Thank you for your attention to this matter.

Sincerely,

**McGUIREWOODS LLP**

Jarrold D. Shaw  
Nellie E. Hestin

*Counsel for Wells Fargo Merchant  
Services, LLC*

CC: All Addressees Listed in Attachment A hereto.

Attachment and Enclosure

January 19, 2021

Page 4

Attachment A – Recipient Addresses

STEVE MARSHALL  
ALABAMA ATTORNEY GENERAL  
PO BOX 300152  
MONTGOMERY AL 36130-0152

CLYDE "ED" SNIFFEN, JR.  
ALASKA ACTING ATTORNEY GENERAL  
1031 W 4TH AVENUE STE 200  
ANCHORAGE AK 99501-1994

MARK BRNOVICH  
ARIZONA ATTORNEY GENERAL  
2005 N CENTRAL AVE  
PHOENIX AZ 85004-2926

LESLIE RUTLEDGE  
ARKANSAS ATTORNEY GENERAL  
323 CENTER ST STE 200  
LITTLE ROCK AR 72201-2610

CAFA COORDINATOR  
OFFICE OF THE ATTORNEY GENERAL  
455 GOLDEN GATE AVE ST 11000  
SAN FRANCISCO CA 94102

PHIL WEISER  
COLORADO ATTORNEY GENERAL  
1300 BROADWAY FL 10  
DENVER CO 80203

WILLIAM TONG  
CONNECTICUT ATTORNEY GENERAL  
165 CAPITAL AVENUE  
HARTFORD CT 06106-1752

KARL RACINE  
DISTRICT OF COLUMBIA ATTORNEY GENERAL  
441 4TH ST NW STE 1145S  
WASHINGTON DC 20001

January 19, 2021

Page 5

KATHY JENNINGS  
DELAWARE ATTORNEY GENERAL  
820 N FRENCH ST  
WILMINGTON DE 19801

ASHLEY MOODY  
FLORIDA ATTORNEY GENERAL  
THE CAPITAL PL 01  
TALLAHASSEE FL 32399-1050

CHRIS CARR  
GEORGIA ATTORNEY GENERAL  
40 CAPITOL SQ SW  
ATLANTA GA 30334-1300

CLARE E. CONNORS  
HAWAII ATTORNEY GENERAL  
425 QUEEN ST  
HONOLULU HI 96813

LAWRENCE WASDEN  
IDAHO ATTORNEY GENERAL  
PO BOX 83720  
BOISE ID 83720-0010

KWAME RAOUL  
ILLINOIS ATTORNEY GENERAL  
100 W RANDOLPH ST  
CHICAGO IL 60601

TODD ROKITA  
INDIANA ATTORNEY GENERAL  
302 W WASHINGTON ST RM 5  
INDIANAPOLIS IN 46204

TOM MILLER  
IOWA ATTORNEY GENERAL  
1305 E WALNUT ST  
DES MOINES IA 50319

DEREK SCHMIDT  
KANSAS ATTORNEY GENERAL  
120 SW 10TH AVE FL 2  
TOPEKA KS 66612-1597

January 19, 2021

Page 6

DANIEL CAMERON  
KENTUCKY ATTORNEY GENERAL  
700 CAPITOL AVE RM 118  
FRANKFORT KY 40601

JEFF LANDRY  
LOUISIANA ATTORNEY GENERAL  
PO BOX 94005  
BATON ROUGE LA 70804-4095

AARON FREY  
MAINE ATTORNEY GENERAL  
STATE HOUSE STATION 6  
AUGUSTA ME 04333-0006

BRIAN FROSH  
MARYLAND ATTORNEY GENERAL  
200 SAINT PAUL PLACE  
BALTIMORE MD 21202-2202

MAURA HEALEY  
OFFICE OF THE ATTORNEY GENERAL  
GENERAL COUNSELS OFFICE  
1 ASHBURTON PL, 20TH FLOOR  
BOSTON MA 02108-1518

DANA NESSEL  
MICHIGAN ATTORNEY GENERAL  
PO BOX 30212  
LANSING MI 48909

KEITH ELLISON  
MINNESOTA ATTORNEY GENERAL  
445 MINNESOTA ST STE 1400  
SAINT PAUL MN 55101-2131

LYNN FITCH  
MISSISSIPPI ATTORNEY GENERAL  
PO BOX 220  
JACKSON MS 39201-0220

ERIC SCHMITT  
MISSOURI ATTORNEY GENERAL  
PO BOX 899  
JEFFERSON CITY MO 65102-0899

January 19, 2021

Page 7

TIM FOX  
MONTANA ATTORNEY GENERAL  
PO BOX 201401  
HELENA MT 59620-1401

DOUG PETERSON  
NEBRASKA ATTORNEY GENERAL  
PO BOX 98920  
LINCOLN NE 68509

AARON FORD  
NEVADA ATTORNEY GENERAL  
100 N CARSON ST  
CARSON CITY NV 89701-4717

GORDON MACDONALD  
NEW HAMPSHIRE ATTORNEY GENERAL  
33 CAPITOL ST  
CONCORD NH 03301-6397

GURBIR S. GREWAL  
NEW JERSEY ATTORNEY GENERAL  
PO BOX 080  
TRENTON NJ 08625-0080

HECTOR BALDERAS  
NEW MEXICO ATTORNEY GENERAL  
PO BOX 1508  
SANTA FE NM 87504-1508

LETITIA JAMES  
OFFICE OF THE NEW YORK ATTORNEY GENERAL  
28 LIBERTY STREET, 15TH FLOOR  
NEW YORK NY 10005

JOSH STEIN  
NORTH CAROLINA ATTORNEY GENERAL  
9001 MAIL SERVICE CTR  
RALEIGH NC 27699-9001

WAYNE STENEHJEM  
NORTH DAKOTA ATTORNEY GENERAL  
600 E BOULEVARD AVE DEPT 125  
BISMARCK ND 58505-0040

January 19, 2021

Page 8

DAVE YOST  
OHIO ATTORNEY GENERAL  
30 E BROAD ST 14 FL  
COLUMBUS OH 43215

MIKE HUNTER  
OKLAHOMA ATTORNEY GENERAL  
313 NE 21ST ST  
OKLAHOMA CITY OK 73105

ELLEN F ROSENBLUM  
OREGON ATTORNEY GENERAL  
1162 COURT ST NE  
SALEM OR 97301-4096

JOSH SHAPIRO  
PENNSYLVANIA ATTORNEY GENERAL  
1600 STRAWBERRY SQ  
HARRISBURG PA 17120

PETER NERONHA  
RHODE ISLAND ATTORNEY GENERAL  
150 S MAIN ST  
PROVIDENCE RI 02903-2907

ALAN WILSON  
SOUTH CAROLINA ATTORNEY GENERAL  
PO BOX 11549  
COLUMBIA SC 29211-1549

JASON RAVNSBORG  
SOUTH DAKOTA ATTORNEY GENERAL  
1302 E HIGHWAY 14 STE 1  
PIERRE SD 57501-8501

HERBERT H SLATERY III  
TENNESSEE ATTORNEY GENERAL  
PO BOX 20207  
NASHVILLE TN 37202-0207

KEN PAXTON  
TEXAS ATTORNEY GENERAL  
PO BOX 12548  
AUSTIN TX 78711-2548

January 19, 2021

Page 9

SEAN D REYES  
UTAH ATTORNEY GENERAL  
PO BOX 142320  
SALT LAKE CITY UT 84114-2320

TJ DONOVAN  
VERMONT ATTORNEY GENERAL  
109 STATE ST STE 1  
MONTPELIER VT 05609-1001

MARK R HERRING  
VIRGINIA ATTORNEY GENERAL  
900 E MAIN ST  
RICHMOND VA 23219-3548

BOB FERGUSON  
WASHINGTON ATTORNEY GENERAL  
PO BOX 40100  
OLYMPIA WA 98504-0100

PATRICK MORRISEY  
WEST VIRGINIA ATTORNEY GENERAL  
1900 KANAWHA BLVD E RM E26  
CHARLESTON WV 25305

JOSH KAUL  
WISCONSIN ATTORNEY GENERAL  
PO BOX 7857  
MADISON WI 53707-7857

BRIDGET HILL  
WYOMING ATTORNEY GENERAL  
200 W 24TH ST RM 123  
CHEYENNE WY 82002-0001

JEFFREY A. ROSEN  
UNITED STATES ATTORNEY GENERAL  
950 PENNSYLVANIA AVE NW  
WASHINGTON DC 20530-0001

GREGORY TAYLOR, DIRECTOR LITIGATION  
OFFICE OF THE COMPTROLLER OF THE CURRENCY  
400 7TH ST SW SUITE 3E-218  
WASHINGTON DC 20219



# **EXHIBIT B**

**If you contracted to receive payment processing services from Wells Fargo Merchant Services you may qualify for benefits from a class action settlement. For more information, visit [www.merchantservicessettlement.com](http://www.merchantservicessettlement.com) or call 1-866-759-6521**

You may be part of a class action settlement in which \$40,000,000 has been proposed to resolve a lawsuit against Wells Fargo Merchant Services (“WFMS”). The lawsuit alleges that merchants were assessed excessive charges. WFMS denies these assertions but has entered into this settlement to avoid the expense and uncertainty of litigation.

According to WFMS’s records, you are in the class and eligible to receive a payment. Payments will vary depending on several factors set forth in the settlement agreement, available at [www.merchantservicessettlement.com](http://www.merchantservicessettlement.com).

According to WFMS’s records, you maintain one or more active payment processing accounts with WFMS as of February 8, 2021, are a “current customer” under the settlement, and will automatically be sent a payment via check if the settlement is approved and becomes final.

Current customers who are on WFMS’s “fixed” pricing plan are also eligible to switch *without penalty* to a simplified pricing plan that may reduce your costs. To learn more about this option and if it may be right for you, please contact WFMS Customer Service at 1-800-451-5817 or your account manager.

To exclude yourself from the settlement, you must write to the address below by **June 8, 2021**. To object, you must write to the address below by **June 8, 2021**. For complete instructions, visit [www.merchantservicessettlement.com](http://www.merchantservicessettlement.com). If you do not exclude yourself from the settlement, you will be bound by any judgment in the case and won’t be able to sue WFMS in the future about the issues in this case.

The court will hold a hearing on July 22, 2021 at 11 A.M. (Eastern Time) in courtroom 840, at the United States District Court for the Eastern District of New York, 100 Federal Plaza, Central Islip, NY 11722 to consider whether to approve the settlement and pay the lawyers for the class up to one-third of the settlement amount, reimburse them for their expenses, and pay service awards of between \$10,000 and \$15,000 to each named plaintiff. You may appear at the hearing, but do not have to. The court has appointed lawyers to represent you and the class, but you can hire another lawyer at your own expense.

You can get more details at [www.merchantservicessettlement.com](http://www.merchantservicessettlement.com), by calling **1-866-759-6521**, or by writing Wells Fargo Merchant Services Settlement, c/o Rust Consulting Inc - 7182, PO Box 1367, Minneapolis, MN 55440-1367.

You may be part of a class action settlement in which \$40,000,000 has been proposed to resolve a lawsuit against Wells Fargo Merchant Services ("WFMS"). The lawsuit alleges that merchants were assessed excessive charges. WFMS denies these assertions but has entered into this settlement to avoid the expense and uncertainty of litigation.

According to WFMS's records, you are in the class and eligible to receive a payment. Payments will vary depending on several factors set forth in the settlement agreement, available at [www.merchantservicessettlement.com](http://www.merchantservicessettlement.com).

According to WFMS's records, you maintain one or more active payment processing accounts with WFMS as of February 8, 2021, are a "current customer" under the settlement, and will automatically be sent a payment via check if the settlement is approved and becomes final.

Current customers who are on WFMS's "fixed" pricing plan are also eligible to switch *without penalty* to a simplified pricing plan that may reduce your costs. To learn more about this option and if it may be right for you, please contact WFMS Customer Service at 1-800-451-5817 or your account manager.

To exclude yourself from the settlement, you must write to the address below by **June 8, 2021**. To object, you must write to the address below by **June 8, 2021**. For complete instructions, visit [www.merchantservicessettlement.com](http://www.merchantservicessettlement.com). If you do not exclude yourself from the settlement, you will be bound by any judgment in the case and won't be able to sue WFMS in the future about the issues in this case.

The court will hold a hearing on July 22, 2021 at 11 A.M. (Eastern Time) in courtroom 840, at the United States District Court for the Eastern District of New York, 100 Federal Plaza, Central Islip, NY 11722 to consider whether to approve the settlement and pay the lawyers for the class up to one-third of the settlement amount, reimburse them for their expenses, and pay service awards of between \$10,000 and \$15,000 to each named plaintiff. You may appear at the hearing, but do not have to. The court has appointed lawyers to represent you and the class, but you can hire another lawyer at your own expense.

You can get more details at [www.merchantservicessettlement.com](http://www.merchantservicessettlement.com), by calling **1-866-759-6521**, or by writing Wells Fargo Merchant Services Settlement, c/o Rust Consulting, Inc. - 7182, PO Box 1367, Minneapolis, MN 55440-1367.

WELLS FARGO MERCHANT SERVICES SETTLEMENT  
C/O RUST CONSULTING INC - 7182  
PO BOX 1367  
MINNEAPOLIS, MN 55440-1367

**IMPORTANT LEGAL NOTICE**



- UAP - <<SequenceNo>>

<<NAME1>>

<<NAME2>>

<<ADDRESS1>>

<<ADDRESS2>>

<<CITY>> <<STATE>> <<ZIP>>

<<COUNTRY>>

# EXHIBIT C

**If you contracted to receive payment processing services from Wells Fargo Merchant Services you may qualify for benefits from a class action settlement.**

**TO RECEIVE A PAYMENT YOU MUST SUBMIT A [CLAIM](#) BY JULY 23, 2021.**  
**To submit a claim, visit [www.merchantservicessettlement.com](http://www.merchantservicessettlement.com) or click here,**  
**using the following identification number: <<#####>>.**

**For more information visit [www.merchantservicessettlement.com](http://www.merchantservicessettlement.com) or call 1-866-759-6521**

You may be part of a class action settlement in which \$40,000,000 has been proposed to resolve a lawsuit against Wells Fargo Merchant Services (“WFMS”). The lawsuit alleges that merchants were assessed excessive charges. WFMS denies these assertions but has entered into this settlement to avoid the expense and uncertainty of litigation.

According to WFMS’s records, you are in the class and eligible to receive a payment. Payments will vary depending on several factors set forth in the settlement agreement, available at **[www.merchantservicessettlement.com](http://www.merchantservicessettlement.com)**.

According to WFMS’s records, you previously maintained one or more payment card processing accounts with WFMS but such account(s) were inactive as of February 8, 2021, meaning you are a “former customer” under the settlement. **To get a payment from the settlement, you must submit a claim.** You can submit a claim online at **[www.merchantservicessettlement.com](http://www.merchantservicessettlement.com)**. Or you can download a hard copy claim form or request one by calling **1-866-759-6521**. Claim forms must be mailed or submitted online by no later than **July 23, 2021**.

To exclude yourself from the settlement, you must write to the address below by **June 8, 2021**. To object, you must write to the address below by **June 8, 2021**. For complete instructions, visit **[www.merchantservicessettlement.com](http://www.merchantservicessettlement.com)**. If you do nothing, you will get no benefits, will be bound by any judgment in the case, and won’t be able to sue WFMS in the future about the issues in this case.

The court will hold a hearing on July 22, 2021 at 11 A.M. (Eastern Time) in courtroom 840, at the United States District Court for the Eastern District of New York, 100 Federal Plaza, Central Islip, NY 11722 to consider whether to approve the settlement and pay the lawyers for the class up to one-third of the settlement amount, reimburse them for their expenses, and pay service awards of between \$10,000 and \$15,000 to each named plaintiff. You may appear at the hearing, but do not have to. The court has appointed lawyers to represent you and the class, but you can hire another lawyer at your own expense.

You can get more details at **[www.merchantservicessettlement.com](http://www.merchantservicessettlement.com)**, by calling **1-866-759-6521**, or by writing Wells Fargo Merchant Services Settlement, c/o Rust Consulting Inc - 7182, PO Box 1367, Minneapolis, MN 55440-1367.

If you contracted to receive payment processing services from Wells Fargo Merchant Services you may qualify for benefits from a class action settlement.

**TO RECEIVE A PAYMENT YOU MUST SUBMIT A CLAIM BY JULY 23, 2021.**

**To submit a claim, visit [www.merchantservicessettlement.com](http://www.merchantservicessettlement.com) or use the form attached to this notice.**

**For more information visit [www.merchantservicessettlement.com](http://www.merchantservicessettlement.com) or call 1-866-759-6521**

You may be part of a class action settlement in which \$40,000,000 has been proposed to resolve a lawsuit against Wells Fargo Merchant Services ("WFMS"). The lawsuit alleges that merchants were assessed excessive charges. WFMS denies these assertions but has entered into this settlement to avoid the expense and uncertainty of litigation.

According to WFMS's records, you are in the class and eligible to receive a payment. Payments will vary depending on several factors set forth in the settlement agreement, available at [www.merchantservicessettlement.com](http://www.merchantservicessettlement.com).

According to WFMS's records, you previously maintained one or more payment card processing accounts with WFMS but such account(s) were inactive as of February 8, 2021, meaning you are a "former customer" under the settlement. **To get a payment from the settlement, you must submit a claim.** The claim form is attached, or you can submit a claim online at [www.merchantservicessettlement.com](http://www.merchantservicessettlement.com). Or you can download a hard copy claim form or request one by calling 1-866-759-6521. Claim forms must be mailed or submitted online by no later than **July 23, 2021**.

To exclude yourself from the settlement, you must write to the address below by **June 8, 2021**. To object, you must write to the address below by **June 8, 2021**. For complete instructions, visit [www.merchantservicessettlement.com](http://www.merchantservicessettlement.com). If you do nothing, you will get no benefits, will be bound by any judgment in the case, and won't be able to sue WFMS in the future about the issues in this case.

The court will hold a hearing on July 22, 2021 at 11 A.M. (Eastern Time) in courtroom 840, at the United States District Court for the Eastern District of New York, 100 Federal Plaza, Central Islip, NY 11722 to consider whether to approve the settlement and pay the lawyers for the class up to one-third of the settlement amount, reimburse them for their expenses, and pay service awards of between \$10,000 and \$15,000 to each named plaintiff. You may appear at the hearing, but do not have to. The court has appointed lawyers to represent you and the class, but you can hire another lawyer at your own expense.

You can get more details at [www.merchantservicessettlement.com](http://www.merchantservicessettlement.com), by calling 1-866-759-6521, or by writing Wells Fargo Merchant Services Settlement, c/o Rust Consulting, Inc. - 7182, PO Box 1367, Minneapolis, MN 55440-1367.



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

**BUSINESS REPLY MAIL**

FIRST-CLASS MAIL PERMIT NO. 26509 MINNEAPOLIS, MN

POSTAGE WILL BE PAID BY ADDRESSEE

WELLS FARGO MERCHANT SERVICES SETTLEMENT  
C/O RUST CONSULTING INC - 7182  
PO BOX 1367  
MINNEAPOLIS MN 55440-9988



WELLS FARGO MERCHANT SERVICES SETTLEMENT  
C/O RUST CONSULTING INC - 7182  
PO BOX 1367  
MINNEAPOLIS, MN 55440-1367

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE  
**PAID**  
Rust Consulting, Inc.

# IMPORTANT LEGAL NOTICE



\* C L M N T I D N O \* - UAP - <<SequenceNo>>

<<NAME1>>  
<<NAME2>>  
<<ADDRESS1>>  
<<ADDRESS2>>  
<<CITY>> <<STATE>> <<ZIP>>  
<<COUNTRY>>



\* C L M N T I D N O \* - <<SequenceNo>>

## CLAIM FORM

To claim your payment, complete this form, sign it, and mail it by the deadline listed below. You can also file your claim online at **[www.merchantservicessettlement.com](http://www.merchantservicessettlement.com)** using the following identification number:

<<#####>>.

**Your claim must be postmarked by July 23, 2021. Late claims will be rejected.**

PROVIDE NAME, MAILING ADDRESS, AND EMAIL ADDRESS HERE:

Name of Customer (Business or Organization): \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

By signing this claim form, you are affirming that you are the authorized representative of a member of the settlement class and thus are eligible to receive the benefits of the settlement.



\* 7 1 8 2 \*



\* C F \*

